

**HECATE ENERGY LLC**

**DOCKET No. 15-0643**

My name is A. Olusanjo Omoniyi and I am employed by the Illinois Commerce Commission as a Policy Analyst in the Policy Division. I graduated from Southern Illinois University at Carbondale with a Bachelor of Arts degree in Cinema & Photography and Bachelor of Science degree in Radio-Television in 1987. In 1990, I obtained a Master of Arts degree in Telecommunications and a Juris Doctor in 1994 also from Southern Illinois University at Carbondale. Among my duties as a Policy Analyst is to review Applications for Certification filed by Distributed Generation Installers and Electric Vehicle Charging Stations Installers, Maintainers or Repairers and provide recommendation as to their approval.

The instant Application for Certification as a Distributed Generation Installer (the “Application”) was filed by HECATE ENERGY LLC (“Applicant”) on December 21, 2015. In the Application, HECATE ENERGY LLC is seeking certification as an entity to install distributed generation facilities pursuant to Section 16-128A of the Public Utilities Act (“Act”) and 83 Ill. Adm. Code 468 (“Section 468”). The Applicant installs mainly solar array/photovoltaic type distributed generation facilities. The purpose of my verified statement is

to examine the Application based on the standards enunciated in Sections 468.50, 468.60, 468.80 and 468.110 of 83 Ill. Adm. Code 468 (“Section 468”) and Section 16-128A of the Act.

**I. APPROVAL UNDER SECTION 468**

**A. REQUIRED APPLICATION INFORMATION (Section 468.50)**

In accordance with 83 Ill. Adm. Code 468.50 (“Section 468.50”), the Applicant provided required information such as: the Applicant’s name (including d/b/a), street address, telephone number, facsimile number, website and e-mail addresses; contact information and other pertinent information for the persons or entities responsible for issues related to processing of the Application and the Applicant’s applicable federal employer identification number (FEIN) or taxpayer identification number (TIN). The Applicant also states it will comply with informational and reporting requirements established in Section 468.50. Further, the Applicant agrees to accept service by electronic means as provided in the Commission’s Rules of Practice, 83 Ill. Adm. Code 200.1050. HECATE ENERGY LLC did not attach to the Application an exhibit containing information for each qualified person who will perform or directly supervise installations to satisfy the requirements of Section 468.50 which includes:

- a) A copy of the certification of satisfactory completion of the relevant training programs; and/or
- b) An Affidavit by each qualifying person attesting to having satisfactorily completed at least five (5) installations of distributed generation facilities that includes the type of each distributed generation facility (wind turbine, fuel cell, natural gas generator, etc.)

## **B. CERTIFICATION REQUIREMENTS (Section 468.60)**

The second issue that needs to be addressed by the Commission in approving or rejecting an application for certification of DG installers is to ensure that an Applicant certifies that it will meet the five (5) requirements in Section 468.60 which in pertinent part states that:

- a) It will remain in compliance with all applicable laws and regulations and Commission rules and orders, including, but not limited to, the requirements of Sections 16-128(a) and 16-128A of the Act and Section 468.
- b) It will ensure that its employees, agents or contractors, or the employees, agents or contractors of any entity, agent or contractor with which it has contracted to perform those functions within the State of Illinois, shall:
  - 1) Comply with applicable building and electrical codes, including those contained in the NEC;
  - 2) Comply with the distributed generation facility manufacturer's installation instructions;
  - 3) Install only distributed generation facilities that meet recognized industry standards; and
  - 4) Ensure that all obligations required under this Section and Sections 16-128(a) and 16-128A of the Act are met prior to placing into, or returning into, use any distributed generation facility that the certificate holder installed.
- c) It will comply with applicable licensing and municipal bonding requirements to do business in the State of Illinois.
- d) Every installation of a distributed generation facility will be performed only by:
  - 1) A qualified person; or;
  - 2) An electrical contractor who is not a qualified person, provided he/she is directly supervised by a qualified person; or;
  - 3) a person who is not a qualified person but is enrolled in a training program that, upon satisfactory completion, will meet the requirement to become a qualified person, provided he/she is directly supervised by a qualified person.
- e) It is licensed to do business in the State of Illinois.

HECATE ENERGY LLC'S Application was reviewed in accordance with all the five criteria in Section 468.60. HECATE ENERGY LLC affirms it will remain in compliance with all applicable laws and regulation and Commission rules and orders, including but not limited to, the requirements of Sections 16-128(a) and 16-128A of the Act and Section 468. In particular, HECATE ENERGY LLC certifies that: it will comply with applicable building and electrical codes and the DG facility manufacturer's installation instructions; it will install only DG facilities that meet recognized industry standards and it will ensure all obligations under Section 468.60 and Sections 16-128(a) and 16-128A are met before placing into or returning into use any DG facility that its employees installed. Further, HECATE ENERGY LLC states that it will comply with applicable licensing and municipal bonding requirements to do business in the State of Illinois.

Moreover, HECATE ENERGY LLC certifies that every installation of a DG facility will be performed by: a qualified person; or in the event an electrical contractor who is not a qualified person is used, the contractor will be directly supervised by a qualified person; or if a person who is not a qualified person but is enrolled in a training program that, upon satisfactory completion, will meet the requirement to become a qualified person, provided he/she is directly supervised by a qualified person. Finally, HECATE ENERGY LLC affirms, apparently incorrectly, that it is licensed to do business in Illinois.

1. **The History of Training(s) and Installations**

HECATE ENERGY LLC failed to file information showing that it has hired any qualified person to install solar arrays or any kind of distributed generation facilities. In spite of repeated requests by Staff to correct this deficiency, the Applicant has failed to supplement the record so ensure its Application is accurate and correct to meet the requirements necessary to

justify recommendation for certification as an installer of Distributed Generation Facilities under Section 16-128A of the Public Utilities Act (“Act”) and 83 Ill. Adm. Code 468 (“Part 468”). In addition, it appears that HECATE ENERGY LLC is a Nashville, TN based company. As a result, it is required to register as a foreign corporation, Staff looked at the Secretary of State, and there is no indication that HECTATE ENERGY LLC was ever registered as a foreign corporation. All efforts by Staff to rectify all the above information through various forms of correspondence has failed as HECTATE ENERGY LLC simply did not respond for over 6 months.

## **2. Recommendations**

### **II. CONCLUSION**

In the light of the foregoing facts and review, the Commission should deny HECATE ENERGY LLC’s Application for certification as a Distributed Generation installer.